

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF RHODE ISLAND**

CONSERVATION LAW FOUNDATION,
INC.

Plaintiff,

V.

SIMS GROUP USA CORPORATION;
SIMS GROUP USA HOLDINGS
CORPORATION; SMM NEW ENGLAND
CORPORATION,

Defendants

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES

INTRODUCTION

1. Stormwater runoff from industrial facilities, including scrap metal yards, is a major source of toxic pollutants in urban areas. At these sites, rainwater flows over piles of scrap metal, carrying heavy metal pollution into rivers, streams, and groundwater, and operations at the facilities disperse metal dust that pollutes the air and waterways.

2. To protect public health and the environment, EPA and state environmental agencies issue general permits requiring industrial facilities to implement stormwater pollution controls and keep heavy metal pollution out of discharges. Facilities that do not comply with their industrial stormwater permits expose communities to toxic runoff.

3. This action is a citizen suit brought under Section 505 of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA,”), 33 U.S.C. § 1365(a), to address Clean Water Act violations involving industrial stormwater runoff at three scrap metal facilities in Providence and Johnston, Rhode Island (collectively, “the Facilities”).

4. The Facilities are owned and operated by Sims Group USA Corporation, Sims Group

USA Holdings Corporation, SMM New England Corporation, and their agents, directors, and officers (collectively, “Sims” or “Defendants”).

5. Sims is discharging pollutants including aluminum, copper, iron, lead, zinc, polychlorinated biphenyls (PCBs), chemical oxygen demand (COD), and total suspended solids (TSS) from the Facilities into receiving waters that include the Providence River and the Simmons Reservoir.

6. Sims’ discharges from the Facilities are and have been subject to Rhode Island’s 2024 and 2019 Multi-Sector General Permits for Stormwater Discharge Associated with Industrial Activity (the “2024 MSGP” and the “2019 MSGP,” collectively, the “MSGPs”).

7. Sims has discharged and continues to discharge stormwater associated with its industrial activities into waters of the United States in violation of the MSGPs by: (1) failing to take required corrective actions; (2) failing to follow required procedures for minimizing pollutant discharges; (3) contributing to the receiving waters’ failure to meet water quality standards and their impairments; and (4) failing to comply with monitoring and reporting requirements.

8. Conservation Law Foundation (“CLF”) seeks declaratory judgment, injunctive relief, and other relief with respect to the Facilities’ violations of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

JURISDICTION AND VENUE

9. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

10. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202

(declaratory judgment).

11. On October 10, 2024, Plaintiff notified Sims and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the corresponding regulations at 40 C.F.R. § 135.2.

12. A true and accurate copy of Plaintiff's Notice Letter ("Notice Letter") is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

13. Each Defendant and their registered agent received the Notice Letter.

14. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA Region 1, the Citizen Suit Coordinator, and the Director of the Rhode Island Department of Environmental Management ("RIDEM").

15. Each of the addressees identified in the preceding paragraph received the Notice Letter.

16. A copy of each return receipt is attached as Exhibit 2.

17. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither EPA nor the State of Rhode Island has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

18. The Clean Water Act violations alleged in the Notice Letter are of a continuing nature, ongoing, or reasonably likely to re-occur.

19. Venue is proper in the United States District Court for the District of Rhode Island pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

PARTIES

Plaintiff

20. Plaintiff, Conservation Law Foundation (“CLF”), is a nonprofit, member-supported, regional environmental advocacy organization.

21. CLF has 5,806 members, including 324 members in Rhode Island.

22. CLF’s members use and enjoy the waters of Rhode Island, including the Providence River and the Simmons Reservoir, for recreational and aesthetic purposes, including but not limited to boating, swimming, fishing, and observing wildlife.

23. CLF’s members live, recreate, and commute near the Providence River and Simmons Reservoir.

Defendants

24. Defendants have operated and continue to operate a scrap metal facility at 242 Allens Avenue in Providence, Rhode Island (the “242 Allens Facility”).

25. Defendants have operated and continue to operate a scrap metal facility at 278 Allens Avenue in Providence, Rhode Island (the “278 Allens Facility”).

26. Defendants have operated and continue to operate a scrap metal facility at 15-17 Green Earth Avenue in Johnston, Rhode Island (the “Johnston Facility”).

27. Defendants are responsible for ensuring that the Facilities operate in compliance with the Clean Water Act.

28. Defendants are all persons as defined by Section 502(5) of the Clean Water Act, 33 U.S.C. § 1362(5).

29. Sims Group USA Corporation is incorporated under the laws of Delaware.

30. Sims Group USA Corporation participates in and exercises control over the operations and activities of SMM New England Corporation.

31. Employees of Sims Group USA Corporation actively participate in and/or exercise control over the operation of the Facilities.
32. Sims Group USA Corporation exercises control over the environmental compliance of the Facilities, including their compliance with the Clean Water Act.
33. Sims Group USA Corporation is liable for the Clean Water Act violations occurring at the Facilities.
34. Sims Group USA Holdings Corporation is incorporated under the laws of Delaware.
35. Sims Group USA Holdings Corporation participates in and exercises control over the operations and activities of SMM New England Corporation.
36. Employees of Sims Group USA Holdings Corporation actively participate in and/or exercise control over the operation of the Facilities.
37. Sims Group USA Holdings Corporation exercises control over the environmental compliance of the Facilities, including their compliance with the Clean Water Act.
38. Sims Group USA Holdings Corporation is liable for the Clean Water Act violations occurring at the Facilities.
39. SMM New England Corporation is incorporated under the laws of Delaware.
40. SMM New England Corporation is a wholly owned subsidiary of Sims Group USA Corporation and Sims Group USA Holdings Corporation.
41. Defendants are subsidiaries of Sims Limited, a publicly traded company headquartered in Australia.
42. Sims Group USA Corporation, Sims Group USA Holdings Corporation, and SMM New England Corporation own and/or operate the 242 Allens and Johnston Facilities and have operated them since at least 2019.

43. Sims Group USA Corporation, Sims Group USA Holdings Corporation, and SMM New England Corporation own and/or operate the 278 Allens Facility and have operated it since at least 2020.

STATUTORY AND REGULATORY BACKGROUND

The Clean Water Act

44. The objective of the Clean Water Act is “to restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a).

45. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

46. Under the Clean Water Act’s implementing regulations, the “discharge of a pollutant” is defined as “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(12).

47. A “pollutant” is any “solid waste,” “chemical wastes, biological materials,” “wrecked or discarded equipment, rock, sand,” and “industrial . . . waste” discharged into water. 33 U.S.C. § 1362(6).

48. The Clean Water Act defines navigable waters as “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

49. “Waters of the United States” are defined by EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 120.2.

50. “Point source” is defined broadly to include, “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

51. Section 402 of the CWA requires that NPDES permits be issued for stormwater discharges associated with industrial activities. 33 U.S.C. §§ 1342(a)(1), 1342(p)(2), 1342(p)(3)(A), 1342(p)(4), 1342(p)(6).

52. The Clean Water Act authorizes citizen enforcement actions against any “person” who is alleged to be in violation of an “effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation.” 33 U.S.C. § 1365(a)(1).

53. An “effluent limitation” is “any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.” 33 U.S.C. § 1362(11).

54. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C. § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(f).

55. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

The Multi-Sector General Permits

56. The Multi-Sector General Permits regulate stormwater discharges from industrial facilities and are issued by RIDEM pursuant to Sections 402(a) and 402(p) of the CWA. 33 U.S.C. §§ 1342(a), 1342(p).

57. The 2019 MSGP took effect on May 3, 2019.¹

58. The 2024 MSGP took effect on September 1, 2024.²

59. The MSGPs authorize discharges associated with industrial activity only in accordance with the conditions and requirements set forth within them. 2024 MSGP at 1; 2019 MSGP at 1.

Rhode Island's Surface Water Quality Regulations

60. The MSGPs require that discharges be “controlled as necessary to meet applicable water quality standards.” 2024 MSGP at 18; 2019 MSGP at 22.

61. Rhode Island's state surface water quality standards establish “parameters of the minimum water quality necessary to support the surface water use classifications” and are “applicable to all waters of the State.” 250-RICR-150-05-1.10.A.

62. All waters of the State shall, “[a]t a minimum,” “be free of pollutants in concentrations or combinations” that would adversely affect: “the composition of fish and wildlife;” “the physical, chemical, or biological integrity of the habitat;” “the propagation of fish and wildlife;” “the life cycle functions, uses, processes and activities of fish and wildlife;” or human health. *Id.*

1.10.B.1.

63. Rhode Island's state surface water quality standards require that “all waters shall be free from pollutants in concentrations or combinations that” adversely affect aesthetics, including “unsightly, putrescent, or odorous” deposits and floating “debris, oil, grease, scum, or other floating material attributable to wastes in amounts to such a degree as to create a nuisance or interfere with the existing or designated uses.” *Id.* at 1.10.B.2

¹ R.I. Dep't of Env't'l Management, *Multi-Sector General Permit Rhode Island Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity* (May 3, 2019) <https://dem.ri.gov/sites/g/files/xkgbur861/files/programs/benviron/water/pn/ripdes/msgp.pdf>.

² R.I. Dep't of Env't'l Management, *Multi-Sector General Permit Rhode Island Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity* (September 1, 2024) <https://dem.ri.gov/sites/g/files/xkgbur861/files/2024-08/2024msgp.pdf>.

64. Rhode Island’s state surface water quality standards require that “all waters shall be free from pollutants in concentrations or combinations that [...] produce odor or taste or change the color or physical, chemical or biological conditions to such a degree as to create a nuisance or interfere with the existing or designated uses.” *Id.* at 1.10.B.2.c.

65. Class B waters are freshwater bodies that are designated for fish and wildlife habitat and primary and secondary contact recreational activities. *Id.* at 1.9.B.3.

66. Rhode Island’s state surface water quality standards pertaining to Class B waters prohibit any sludge deposits, solids, oil, grease, and scum; prohibit color, turbidity, taste, and odor in concentrations that would impair any assigned uses; and prohibit chemical constituents in concentrations or combinations that could be harmful to humans, fish, or wildlife or impair the water for any other uses. *Id.* at 1.10.D.1.

67. Class SB1 waters are saltwater bodies that are designated for primary and secondary contact recreational activities and fish and wildlife habitat. *Id.* at 1.9.C.3.

68. Class SB1 waters must be free of sludge deposits, solid refuse, floating solids, oil, grease, and scum. *Id.* at 1.10.E.1.

69. Class SB1 waters may not contain pollutants that would cause, in such concentrations that would impair any assigned usages: color and turbidity; taste and odor; chemical constituents harmful to humans, fish, or wildlife; or nutrients causing undesirable or nuisance aquatic species associated with cultural eutrophication. *Id.*

FACTUAL BACKGROUND

The Waterbodies Affected by the Facilities’ Discharges

The Providence River

70. The 242 Allens and 278 Allens Facilities discharge into the Providence River.

71. The Providence River is designated as State Waterbody ID RI0007020E-01B.

72. The Providence River was listed as impaired on the 2022 impaired waters (303(d)) list for fish and wildlife habitat and primary and secondary contact recreation from dissolved oxygen, fecal coliform, and nitrogen.

73. The Providence River is categorized as a Category 5 impaired water, meaning that it does not currently support any of its designated uses.

74. The Providence River is a Class SB1 waterbody.

75. The Providence River's designated uses include habitat for fish and wildlife, primary contact recreation, and secondary contact recreation.

76. The Providence River is a navigable water within the meaning of the Clean Water Act.

The Simmons Reservoir

77. The Johnston Facility discharges pollutants into the Simmons Reservoir at State Waterbody ID RI0006018L-03.

78. The Simmons Reservoir is listed as impaired on the 303(d) list for 2022 for total phosphorus and turbidity.

79. The Simmons Reservoir is impaired for fish and wildlife habitat use.

80. The Simmons Reservoir is a Class B waterbody.

81. The Simmons Reservoir's designated uses include fish and wildlife habitat, primary and secondary contact recreation, and fish consumption.

82. The Simmons Reservoir is a navigable water within the meaning of the Clean Water Act.

The Multi-Sector General Permits

83. Sims has discharged and continues to discharge stormwater associated with industrial activities from the Facilities into waters of the United States.

84. The MSGPs classify Sims' activities at the Facilities within Subsector N: Scrap Recycling and Waste Recycling Facilities. 2024 MSGP at 86, 98; 2019 MSGP at 87, 99.

85. Sims receives, processes, and distributes non-source separated, nonliquid recyclable waste, including ferrous and nonferrous metals. 2024 MSGP at 86; 2019 MSGP at 88.

86. Sims was required to comply with the requirements of the 2019 MSGP from at least May 3, 2019 to May 2, 2024.

87. Sims is required to comply with the requirements of the 2024 MSGP and has been required to comply with them since June 25, 2019.

88. Sims submitted Notices of Intent for Stormwater Discharges Associated with Industrial Activity Under the 2019 MSGP for the 242 Allens Facility in June 2019, September 2019, and June 2020.

89. Sims submitted Notices of Intent for Stormwater Discharges Associated with Industrial Activity Under the 2019 MSGP for the 278 Allens Facility in June 2019, December 2019, July 2020, and August 2020.

90. Sims submitted Notices of Intent for Stormwater Discharges Associated with Industrial Activity Under the 2019 MSGP for the Johnston Facility in June 2019, September 2019, and January 2020.

91. The MSGPs require that Sims develop and implement a Storm Water Management Plan (“SWMP”) that identifies sources of pollutants associated with industrial discharges from the facility and identifies effective best management practices to control pollutants in stormwater discharges in a manner that achieves the substantive requirements of the permit. 2024 MSGP at 29; 2019 MSGP at 32.

92. The MSGPs require that Sims amend its SWMP following any change that has a significant effect on the potential for the discharge of pollutants, if the SWMP proves to be ineffective in controlling pollutants, or as required by the corrective action procedures. *Id.*

Sims' Sector-Specific Monitoring Benchmarks

93. Sims is subject to the MSGPs' sector-specific benchmarks for Sector N (Scrap Recycling and Waste Recycling Facilities).

94. Sims' 242 Allens Facility is subject to the MSGPs' sector-specific benchmarks for Sector R (Ship and Boat Building and Repair Yards).

95. The MSGP benchmark values not dependent on water hardness are: 120 milligrams per Liter (mg/L) for COD; 15 mg/L for TSS; 0.75 mg/L for aluminum; 15 mg/L for oil and grease; 0.000434 mg/L for PCB-1016; 0.10 mg/L for PCB-1221; 0.000387 mg/L for PCB-1232; 0.000289 mg/L for PCB-1242; 0.002544 mg/L for PCB-1248; 0.10 mg/L for PCB-1254; and 0.000477 mg/L for PCB-1260. 2024 MSGP at 89-90; 2019 MSGP at 91.

96. The 2019 MSGP included a benchmark of 1.0 mg/L for iron. 2019 MSGP at 91.

97. The Providence facilities discharge into the Providence River, which is saltwater.

98. Sims' operations at the Providence Facilities are subject to the following hardness-dependent benchmark values: 0.0048 mg/L for copper; 0.21 mg/L for lead; and 0.09 mg/L for zinc. 2024 MSGP 89-90; 2024 MSGP at 91.

99. The Johnston facility discharges into the Simmons Reservoir, which is a freshwater reservoir with a water hardness of 241 mg/L as measured by calcium carbonate.

100. Sims' operations at the Johnston Facility are subject to the following hardness-dependent benchmark values: 0.0316 mg/L for copper; 0.246 mg/L for lead; and 0.25 mg/L for zinc. *Id.*

Sims' Required Corrective Action and SWMP Review Under the MSGPs

101. The MSGPs require Sims to review and revise the SWMP to ensure effluent limits are met and pollutant discharges are minimized when any of the following conditions occur: 1) a discharge violates a numeric effluent limit; 2) a required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained; 3) whenever the visual

assessment shows evidence of stormwater pollution, such as color, odor, turbidity, floating solids, or oil; or 4) if Sims otherwise finds that the control measures are not achieving the intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in the MSGPs. 2024 MSPG at 12, 20-24, 27; 2019 MSGP at 17, 22-28, 30-31.

102. The MSGPs designate three Corrective Action levels. 2024 MSGP at 20-22; 2019 MSGP at 23-26.

103. The MSGPs require Sims to complete Level One Corrective Actions following the completion of the first monitoring year, if the average of the four monitoring events over the year exceeds an applicable benchmark value for each parameter that was exceeded. 2024 MSGP at 20; 2019 MSGP at 23.

104. If the conditions in Paragraph 103 are triggered, Sims must complete Level One Corrective Actions including: reviewing the facility's SWMP and revising as appropriate; conducting an inspection to identify the cause of the exceedance and "to evaluate industrial pollutant sources at the facility that are or may be related to the benchmark exceedance(s)"; and "implement[ing] Operational Source Control BMPs with the goal of achieving the applicable benchmark value(s) in future exhibits." *Id.*

105. The MSGPs require Sims to complete Level Two Corrective Actions for each parameter exceeded "[f]ollowing the completion of the second year of benchmark(s) monitoring with the average of the required 4 benchmark(s) monitoring results exceeding an applicable benchmark." 2024 MSGP at 20-21; 2019 MSGP at 24.

106. If the conditions in Paragraph 105 are triggered, Sims must complete Level Two Corrective Actions, including: reviewing the SWMP and revising as appropriate "to include

Structural Source Control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges”; implementing the revised SWMP and Structural Source Control BMPs “as soon as possible but no later than six months following the second benchmark monitoring year”; and summarizing the Level Two Corrective Actions in the Annual Report. *Id.*

107. The MSGPs require Sims to complete Level Three Corrective Actions for each parameter that was exceeded when the average of the parameter’s four benchmark monitoring results exceeds an applicable benchmark value, “after level [sic] 2 corrective actions have been fully implemented and completed.” 2024 MSGP at 21; 2019 MSGP at 24.

108. If the conditions in Paragraph 107 are triggered, Sims must complete Level Three Corrective Actions, including: reviewing the SWMP and revising as appropriate “to include modifications/alterations to the existing treatment BMPs and/or installation of additional Treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges”; submitting a Level Three Corrective Action Report with the Annual Report, including an Industrial Activity Demonstration or a Non-Industrial Pollutant Source Demonstration; and summarizing the Level Three Corrective Actions in the Annual Report. 2024 MSGP at 22; 2019 MSGP at 24.

Sims’ Pollutant Control Requirements Under the MSGPs

109. The MSGPs require Sims to “select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part II.A.1, meet the non-numeric effluent limits in Part II.A.2, and meet limits contained in applicable effluent limitations guidelines in Part II.A.3.” 2024 MSGP at 12; 2019 MSGP at 17.

110. The MSGPs require Sims to “minimize the exposure of manufacturing, processing, and

material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt and runoff in order to minimize pollutant discharges, by either locating these industrial materials and activities inside or protecting them with storm resistant coverings.” 2024 MSGP at 13; 2019 MSGP at 17.

111. The MSGPs require Sims to “keep clean all exposed areas that are potential sources of pollutants” and “perform good housekeeping measures in order to minimize pollutant discharges.” 2024 MSGP at 13; 2019 MSGP at 18.

112. The MSGPs require Sims to “[s]weep or vacuum at regular intervals.” *Id.*

113. The MSGPs require Sims to minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged. 2024 MSGP at 13; 2019 MSGP at 18.

114. The MSGPs require Sims to “maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges.” 2024 MSGP at 14; 2019 MSGP at 18.

115. The MSGPs require Sims to “perform[] inspections and preventative maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.” 2024 MSGP at 14; 2019 MSGP at 18.

116. The MSGPs require Sims to “clean[] catch basins when the depth of debris reaches two-thirds ($2/3$) of the sump depth and keep[] the debris surface at least six inches below the lowest outlet pipe.” 2024 MSGP at 14; 2019 MSGP at 19.

117. The MSGPs require that if Sims “finds that [its] control measures are in need of routine maintenance, [it] must conduct the necessary maintenance immediately in order to minimize pollutant discharges.” 2024 MSGP at 14; 2019 MSGP at 19.

118. The MSGPs require that if Sims “finds that the control measures need to be repaired or replaced, [it] must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events.” *Id.*

119. The MSGPs require Sims to “minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur.” *Id.*

120. The MSGPs require Sims to “[a]t a minimum,” prevent spills and leaks by: (1) plainly labeling containers; (2) implementing procedures for material storage and handling; (3) implementing procedures and training for “expeditiously stopping, containing, and cleaning up leaks, spills, and other releases”; (4) keeping spill kits on-site; and (5) notifying “appropriate facility personnel, emergency response agencies, and regulatory agencies” and “taking appropriate action to stop or minimize a release of Hazardous Material posing an Imminent Hazard.” 2024 MSGP at 14-5; 2019 MSGP at 19.

121. The MSGPs require Sims to minimize erosion and discharge of sediment. 2024 MSGP at 15; 2019 MSGP at 19-20.

122. The MSGPs require Sims to “divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in [its] discharges.” 2024 MSGP at 15; 2019 MSGP at 20.

123. The MSGPs require Sims to “minimize generation of dust and off-site tracking of raw, final, or waste materials.” 2024 MSGP at 16; 2019 MSGP at 21.

124. Sims is required to conduct routine facility inspections “of areas of the facility covered by

the requirements in the [MSGPs]” at least quarterly. 2024 MSGP at 25; 2019 MSGP at 28.

125. The MSGPs require that “[d]uring an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly.” *Id.*

126. The MSGPs require Sims to “[m]inimize contact of stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes” through control measures. 2024 MSGP at 86; 2019 MSGP at 88.

127. The MSGPs require Sims to minimize the contact of stormwater and/or surface runoff with scrap processing equipment and minimize the contact of accumulated particulate matter and residual fluids with stormwater and/or runoff. 2024 MSGP at 87; 2021 MSGP at 88.

Sims’ State Water Quality Standards Requirements

128. The MSGPs incorporate Rhode Island state water quality standards. 2024 MSGP at 18; 2019 MSGP at 22.

129. The MSGPs require permittees to control stormwater discharges and to modify their control measures “as necessary to meet applicable water quality standards.” *Id.*

130. The MSGPs require Sims to control its stormwater discharges “as necessary to meet applicable water quality standards.” *Id.*

131. The MSGPs require that if at any time Sims “becomes aware [...] that the discharge causes or contributes to an exceedance of applicable water quality standards, [Sims] must take corrective action,” and document and report that action to RIDEM. *Id.*

132. The MSGPs require that if Sims “finds that its control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water standards or any of the other non-numeric effluent limits in [the MSGPs], [Sims] must modify these control

measures per the corrective action requirements.” 2024 MSGP at 12; 2019 MSGP at 17.

Sims’ Monitoring and Reporting Requirements Under the MSGPs

133. The MSGPs require Sims to conduct benchmark monitoring “twice within the January 1-June 30 period and twice within the July 1-December 31 period” for the first year of permit coverage. 2024 MSGP at 38; 2019 MSGP at 41.

134. The MSGPs require that after the first year of coverage, Sims must conduct semiannual benchmark monitoring. *Id.*

135. The MSGPs require Sims to collect and analyze stormwater samples during “a storm event that results in an actual discharge from the site.” 2024 MSGP at 37; 2019 MSGP at 40.

136. The MSGPs require Sims to conduct benchmark monitoring for total suspended solids, oil and grease, chemical oxygen demand, aluminum, copper, lead, and zinc. 2024 MSGP at 89; 2019 MSGP at 91.

137. The 2019 MSGP requires Sims to conduct benchmark monitoring for iron. 2019 MSGP at 91.

138. The MSGPs require Sims to collect a stormwater sample from each outfall and conduct a visual assessment of each of these samples “[t]wice within the January 1-June 30 monitoring period and twice within the July 1-December 31 monitoring period for the entire permit term.” 2024 MSGP at 26; 2019 MSGP at 30.

139. The MSGPs require that Sims must visually inspect water quality characteristics for color and clarity; odor; floating, settled, or suspended solids; foam; oily sheens; or other “obvious indicators of stormwater pollution.” 2024 MSGP at 27; 2019 MSGP at 30.

140. The MSGPs require that if adverse weather conditions prevent Sims from collecting samples for the visual assessment, a substitute sample must be collected during the next

qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with the SWMP records. 2024 MSGP at 27; 2019 MSGP at 31.

141. The MSGPs require that Sims conduct impaired water monitoring whenever it discharges to “an impaired water.” 2024 MSGP at 41; 2019 MSGP at 44.

142. The MSGPs require Sims to monitor for all pollutants for which its receiving waters are impaired. 2024 MSGP at 41-2; 2019 MSGP at 44.

143. The MSGPs require that Sims must monitor for TSS when the receiving water is impaired for suspended solids, turbidity, or sediment. 2024 MSGP at 41; 2019 MSGP at 44.

144. The MSGPs require that where a waterbody is impaired for an indicator or surrogate pollutant, Sims must monitor for that indicator or pollutant. *Id.*

145. Sims must conduct impaired waters monitoring at the Providence Facilities for dissolved oxygen, nitrogen, phosphorus, and fecal coliform.

146. Sims must conduct impaired waters monitoring at the Johnston facility for phosphorus and TSS.

The Facilities’ Operations and Discharges

147. Sims buys, processes, and sells ferrous and non-ferrous scrap metal, appliances, junk cars, trailers, and electronics.

148. Sims receives unprocessed scrap metal at the Facilities, which it stores in uncovered piles on-site that are exposed to precipitation and snowmelt.

149. Sims’ processing activities include baling, car crushing, wet car processing, shredding, shearing, and torch cutting.

150. Most of Sims’ processing activities are conducted outdoors.

151. Processed metal is stored at the Facilities in uncovered bales that are exposed to precipitation and snowmelt.

152. Processed and unprocessed scrap metal, end-of-life vehicles, machinery, equipment, batteries, appliances, and electronics are exposed to precipitation and snowmelt at the Facilities.

153. Precipitation and snowmelt at the Facilities become contaminated with heavy metals, dust and solids, organic contaminants including fuel and oil, trash, and other pollutants associated with the Facilities' operations.

154. The sources of pollutants associated with industrial operations at the Facilities include: unprocessed scrap metal including end-of-life vehicles, appliances, machinery, and other scrap; bales of processed scrap metal; machines and equipment left outdoors; and vehicles driving on and off the Facilities.

155. Pollutants associated with industrial operations at the Facilities include, but are not limited to: heavy metals, suspended solids, debris, solvents, dust, low density waste (floatables), oil, fuel, trash, and other pollutants associated with the Facilities' operations.

156. During every measurable precipitation event and every instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Facilities, generating stormwater runoff.

157. Precipitation above 0.1 inches during a 24-hour period constitutes a measurable precipitation event. 40 C.F.R. § 122.26(c)(1)(i)(E)(6).

158. Stormwater runoff from the Facilities is collected, channeled, and conveyed via site grading, slopes, site infrastructure, the operation of gravity, and other conveyances into waters of the United States.

159. At the 242 Allens Facility, Sims discharges pollutants, including but not limited to aluminum, copper, iron, lead, zinc, PCBs, COD, and TSS, from Outfalls 001, 002, 003, 004, and 005 to the Providence River.

160. At the 278 Allens Facility, Sims discharges pollutants, including but not limited to aluminum, copper, iron, lead, zinc, PCBs, COD, and TSS, from Outfall 001 to the Providence River.

161. At the Johnston Facility, Sims discharges pollutants, including but not limited to aluminum, copper, iron, lead, zinc, PCBs, COD, and TSS, from Outfalls 001 and 002 to the Simmons Reservoir.

DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT

Effluent and Water Quality Standards Violations

Pollutant: Aluminum

162. Sims has discharged aluminum from the 242 Allens and Johnston Facilities every quarter for which monitoring was conducted since the second quarter of 2020.

163. On fifteen occasions between the second quarter of 2020 and the second quarter of 2022, Sims has discharged concentrations of aluminum higher than the MSGPs' benchmark value for aluminum of 0.75 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
164.	Aluminum	6/30/2020	003	0.75 mg/L	0.98 mg/L	Minimum	131%
165.	Aluminum	6/30/2020	001	0.75 mg/L	0.92 mg/L	Minimum	123%
166.	Aluminum	12/31/2020	004	0.75 mg/L	2.6 mg/L	Minimum	347%
167.	Aluminum	12/31/2020	003	0.75 mg/L	2.6 mg/L	Minimum	347%
168.	Aluminum	12/31/2020	001	0.75 mg/L	4.3 mg/L	Maximum	573%
169.	Aluminum	12/31/2020	001	0.75 mg/L	1.1 mg/L	Minimum	147%
170.	Aluminum	12/31/2020	003	0.75 mg/L	0.96 mg/L	Maximum	128%
171.	Aluminum	6/30/2021	001	0.75 mg/L	1.6 mg/L	Maximum	213%
172.	Aluminum	6/30/2021	003	0.75 mg/L	0.78 mg/L	Maximum	104%
173.	Aluminum	12/31/2021	001	0.75 mg/L	1 mg/L	Minimum	133%
174.	Aluminum	12/31/2021	003	0.75 mg/L	1.58 mg/L	Maximum	211%
175.	Aluminum	6/30/2022	003	0.75 mg/L	1 mg/L	Minimum	133%
176.	Aluminum	6/30/2022	001	0.75 mg/L	1.1 mg/L	Maximum	147%
177.	Aluminum	6/30/2022	001	0.75 mg/L	0.97 mg/L	Minimum	129%
178.	Aluminum	6/30/2022	003	0.75 mg/L	1.8 mg/L	Maximum	240%

179. Twice between the second quarter of 2022 and the fourth quarter of 2022, Sims has discharged concentrations of aluminum higher than MSGPs' benchmark value for aluminum of 0.75 mg/L from the 278 Allens Facility, as detailed in the below table.

180. Twice between the second quarter of 2022 and the fourth quarter of 2022, Sims has discharged concentrations of aluminum higher than the MSGPs' benchmark value for aluminum of 0.75 mg/L from the 278 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
181.	Aluminum	6/30/2022	001	0.75 mg/L	1.1 mg/L	Minimum	147%
182.	Aluminum	12/31/2022	001	0.75 mg/L	1 mg/L	Maximum	133%

183. On six occasions between the second quarter of 2020 and the second quarter of 2023, Sims has discharged concentrations of aluminum higher than the MSGP's benchmark value for aluminum of 0.75 mg/L from the Johnston Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
184.	Aluminum	6/30/2020	002	0.75 mg/L	0.79 mg/L	Minimum	105%
185.	Aluminum	12/31/2020	001	0.75 mg/L	2.4 mg/L	Maximum	320%
186.	Aluminum	6/30/2021	001	0.75 mg/L	1.4 mg/L	Minimum	187%
187.	Aluminum	6/30/2022	001	0.75 mg/L	1.9 mg/L	Maximum	253%
188.	Aluminum	6/30/2022	001	0.75 mg/L	1.3 mg/L	Minimum	173%
189.	Aluminum	6/30/2023	001	0.75 mg/L	2.2 mg/L	Maximum	293%

190. On four occasions since the fourth quarter of 2019, Sims' average of four quarterly aluminum sampling results from the 242 Allens Facility have exceeded the MSGPs' benchmark value for aluminum of 0.75 mg/L, as detailed in the below table.

191. On four occasions since the fourth quarter of 2019, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average aluminum sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Benchmark Value	Outfall	Annual Average
192.	Aluminum	12/31/2020	0.75 mg/L	001	1.7475 mg/L
193.	Aluminum	12/31/2020	0.75 mg/L	003	1.2175 mg/L
194.	Aluminum	12/31/2021	0.75 mg/L	001	0.9225 mg/L
195.	Aluminum	12/31/2021	0.75 mg/L	003	0.775 mg/L

196. On two occasions between the fourth quarter of 2020 and the fourth quarter of 2022, Sims' average of four quarterly aluminum sampling results from the Johnston Facility have exceeded the MSGPs' benchmark value for aluminum of 0.75 mg/L, as detailed in the below table.

197. On two occasions between the fourth quarter of 2020 and the fourth quarter of 2022, Sims has triggered the MSGPs' corrective action requirements at the Johnston Facility through four-quarter average aluminum sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
198.	Aluminum	12/31/2020	001	0.75 mg/L	0.8825 mg/L
199.	Aluminum	12/31/2022	001	0.75 mg/L	0.8905 mg/L

Pollutant: Copper

200. Sims has discharged copper from the 242 Allens and Johnston Facilities every quarter for which monitoring was conducted since the fourth quarter of 2019.

201. On 45 occasions between the second quarter of 2020 and the fourth quarter of 2022, Sims has discharged concentrations of copper higher than the MSGPs' saltwater benchmark value for copper of 0.0048 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
202.	Copper	6/30/2020	001	0.0048 mg/L	0.65 mg/L	Maximum	13,542%
203.	Copper	6/30/2020	001	0.0048 mg/L	0.32 mg/L	Minimum	6,667%
204.	Copper	12/31/2020	001	0.0048 mg/L	0.565 mg/L	Minimum	11,771%
205.	Copper	12/31/2020	001	0.0048 mg/L	0.34 mg/L	Maximum	7,083%

206.	Copper	6/30/2021	003	0.0048 mg/L	0.4 mg/L	Minimum	2,917%
207.	Copper	6/30/2021	004	0.0048 mg/L	0.34 mg/L	Minimum	8,333%
208.	Copper	6/30/2021	003	0.0048 mg/L	0.2 mg/L	Maximum	7,083%
209.	Copper	6/30/2021	004	0.0048 mg/L	0.14 mg/L	Maximum	1,813%
210.	Copper	6/30/2021	001	0.0048 mg/L	0.087 mg/L	Maximum	1,292%
211.	Copper	6/30/2021	001	0.0048 mg/L	0.062 mg/L	Minimum	4,167%
212.	Copper	12/31/2021	004	0.0048 mg/L	1.35 mg/L	Maximum	5,625%
213.	Copper	12/31/2021	003	0.0048 mg/L	0.438 mg/L	Maximum	1,396%
214.	Copper	12/31/2021	003	0.0048 mg/L	0.27 mg/L	Minimum	28,125%
215.	Copper	12/31/2021	004	0.0048 mg/L	0.067 mg/L	Minimum	1,271%
216.	Copper	12/31/2021	001	0.0048 mg/L	0.061 mg/L	Minimum	1,104%
217.	Copper	12/31/2021	001	0.0048 mg/L	0.053 mg/L	Maximum	9,125%
218.	Copper	6/30/2022	003	0.0048 mg/L	0.67 mg/L	Maximum	6,667%
219.	Copper	6/30/2022	003	0.0048 mg/L	0.32 mg/L	Minimum	6,458%
220.	Copper	6/30/2022	004	0.0048 mg/L	0.31 mg/L	Maximum	4,583%
221.	Copper	6/30/2022	004	0.0048 mg/L	0.22 mg/L	Minimum	2,083%
222.	Copper	6/30/2022	001	0.0048 mg/L	0.1 mg/L	Maximum	1,646%
223.	Copper	6/30/2022	001	0.0048 mg/L	0.079 mg/L	Minimum	13,958%
224.	Copper	12/31/2022	003	0.0048 mg/L	0.071 mg/L	Maximum	1,188%
225.	Copper	12/31/2022	004	0.0048 mg/L	0.064 mg/L	Minimum	1,479%
226.	Copper	12/31/2022	003	0.0048 mg/L	0.057 mg/L	Minimum	1,333%
227.	Copper	12/31/2022	004	0.0048 mg/L	0.032 mg/L	Maximum	667%
228.	Copper	12/31/2022	001	0.0048 mg/L	0.021 mg/L	Minimum	438%
229.	Copper	12/31/2022	001	0.0048 mg/L	0.016 mg/L	Maximum	333%
230.	Copper	6/30/2023	003	0.0048 mg/L	0.13 mg/L	Maximum	2,083%
231.	Copper	6/30/2023	003	0.0048 mg/L	0.1 mg/L	Minimum	417%
232.	Copper	6/30/2023	004	0.0048 mg/L	0.068 mg/L	Maximum	2,708%
233.	Copper	6/30/2023	001	0.0048 mg/L	0.044 mg/L	Maximum	1,417%
234.	Copper	6/30/2023	001	0.0048 mg/L	0.022 mg/L	Minimum	917%
235.	Copper	6/30/2023	004	0.0048 mg/L	0.02 mg/L	Minimum	458%
236.	Copper	12/31/2023	003	0.0048 mg/L	0.076 mg/L	Maximum	1,104%
237.	Copper	12/31/2023	003	0.0048 mg/L	0.053	Minimum	1,583%

					mg/L		
238.	Copper	12/31/2023	004	0.0048 mg/L	0.039 mg/L	Maximum	813%
239.	Copper	12/31/2023	001	0.0048 mg/L	0.025 mg/L	Maximum	521%
240.	Copper	12/31/2023	004	0.0048 mg/L	0.017 mg/L	Maximum	354%
241.	Copper	6/30/2024	003	0.0048 mg/L	0.058 mg/L	Maximum	729%
242.	Copper	6/30/2024	003	0.0048 mg/L	0.035 mg/L	Minimum	158%
243.	Copper	6/30/2024	001	0.0048 mg/L	0.025 mg/L	Maximum	1,208%
244.	Copper	6/30/2024	001	0.0048 mg/L	0.023 mg/L	Minimum	479%
245.	Copper	6/30/2024	004	0.0048 mg/L	0.019 mg/L	Maximum	396%
246.	Copper	6/30/2024	004	0.0048 mg/L	0.0076 mg/L	Minimum	158%

247. On ten occasions since the second quarter of 2024, Sims has discharged concentrations of copper higher than the MSGPs' saltwater benchmark value for copper of 0.0048 mg/L from the 278 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
248.	Copper	6/30/2022	001	0.0048 mg/L	0.037 mg/L	Minimum	771%
249.	Copper	6/30/2022	001	0.0048 mg/L	0.021 mg/L	Maximum	438%
250.	Copper	12/31/2022	001	0.0048 mg/L	0.36 mg/L	Minimum	7,500%
251.	Copper	12/31/2022	001	0.0048 mg/L	0.069 mg/L	Maximum	1,438%
252.	Copper	6/30/2023	001	0.0048 mg/L	0.042 mg/L	Maximum	875%
253.	Copper	6/30/2023	001	0.0048 mg/L	0.028 mg/L	Minimum	583%
254.	Copper	12/31/2023	001	0.0048 mg/L	0.032 mg/L	Maximum	667%
255.	Copper	12/31/2023	001	0.0048 mg/L	0.024 mg/L	Minimum	500%
256.	Copper	6/30/2024	001	0.0048 mg/L	0.28 mg/L	Maximum	5,833%
257.	Copper	6/30/2024	001	0.0048 mg/L	0.057 mg/L	Minimum	1,188%

258. Once since the second quarter of 2024, Sims has discharged concentrations of copper higher than the MSGPs' benchmark value for copper of 0.0316 mg/L from the Johnston Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
259.	Copper	12/31/2020	001	0.0316 mg/L	0.05 mg/L	Maximum	158%

260. On ten occasions between the fourth quarter of 2020 and the fourth quarter of 2023, Sims' average of four quarterly copper sampling results from the 242 Allens Facility have exceeded the MSGPs' saltwater benchmark value for copper of 0.0048 mg/L, as detailed in the below table.

261. On ten occasions since the fourth quarter of 2020, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average copper sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
262.	Copper	12/31/2020	001	0.0048 mg/L	0.46875 mg/L
263.	Copper	12/31/2021	001	0.0048 mg/L	0.06575 mg/L
264.	Copper	12/31/2021	003	0.0048 mg/L	0.11625 mg/L
265.	Copper	12/31/2021	004	0.0048 mg/L	0.0395 mg/L
266.	Copper	12/31/2022	001	0.0048 mg/L	0.26475 mg/L
267.	Copper	12/31/2022	003	0.0048 mg/L	0.2795 mg/L
268.	Copper	12/31/2022	004	0.0048 mg/L	0.0925 mg/L
269.	Copper	12/31/2023	001	0.0048 mg/L	0.458125 mg/L
270.	Copper	12/31/2023	003	0.0048 mg/L	0.15375 mg/L
271.	Copper	12/31/2023	004	0.0048 mg/L	0.036 mg/L

272. Twice between the fourth quarter of 2022 and the fourth quarter of 2023, Sims' average of four quarterly copper sampling results from the 278 Allens Facility have exceeded the

MSGP's saltwater benchmark value for copper of 0.0048 mg/L, as detailed in the below table.

273. On five occasions since the fourth quarter of 2019, Sims has triggered the MSGPs' corrective action requirements at the 278 Allens Facility through four-quarter average copper sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
274.	Copper	12/31/2022	001	0.0048 mg/L	0.12175 mg/L
275.	Copper	12/31/2023	001	0.0048 mg/L	0.0315 mg/L

Pollutant: Iron

276. Sims has discharged iron from the Facilities every quarter for which monitoring was conducted since the fourth quarter of 2019.

277. On 43 occasions since the second quarter of 2020, Sims has discharged concentrations of iron higher than the MSGP's benchmark value for iron of 1 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
278.	Iron	6/30/2020	001	1 mg/L	1.7 mg/L	Maximum	170%
279.	Iron	6/30/2020	001	1 mg/L	2.4 mg/L	Minimum	240%
280.	Iron	6/30/2020	003	1 mg/L	4.1 mg/L	Maximum	410%
281.	Iron	6/30/2020	003	1 mg/L	2 mg/L	Minimum	200%
282.	Iron	6/30/2020	004	1 mg/L	3.6 mg/L	Maximum	360%
283.	Iron	6/30/2020	004	1 mg/L	2 mg/L	Minimum	200%
284.	Iron	12/31/2020	001	1 mg/L	27 mg/L	Maximum	2,700%
285.	Iron	12/31/2020	001	1 mg/L	12 mg/L	Minimum	1,200%
286.	Iron	12/31/2020	003	1 mg/L	4.6 mg/L	Maximum	460%
287.	Iron	12/31/2020	003	1 mg/L	11 mg/L	Minimum	1,100%
288.	Iron	12/31/2020	004	1 mg/L	32 mg/L	Minimum	3,200%
289.	Iron	6/30/2021	001	1 mg/L	11 mg/L	Minimum	1,100%
290.	Iron	6/30/2021	001	1 mg/L	7.4 mg/L	Maximum	740%
291.	Iron	6/30/2021	003	1 mg/L	1.5 mg/L	Maximum	150%
292.	Iron	6/30/2021	003	1 mg/L	1.4 mg/L	Minimum	140%
293.	Iron	6/30/2021	004	1 mg/L	7.4 mg/L	Minimum	740%
294.	Iron	12/31/2021	001	1 mg/L	25.6 mg/L	Maximum	2,560%
295.	Iron	12/31/2021	001	1 mg/L	5.7 mg/L	Minimum	570%
296.	Iron	12/31/2021	003	1 mg/L	5.5 mg/L	Maximum	550%
297.	Iron	12/31/2021	004	1 mg/L	7.86 mg/L	Maximum	786%

298.	Iron	12/31/2021	004	1 mg/L	4.6 mg/L	Minimum	460%
299.	Iron	6/30/2022	001	1 mg/L	56 mg/L	Maximum	5,600%
300.	Iron	6/30/2022	001	1 mg/L	4.7 mg/L	Minimum	470%
301.	Iron	6/30/2022	003	1 mg/L	12 mg/L	Maximum	1,200%
302.	Iron	6/30/2022	003	1 mg/L	2.8 mg/L	Minimum	280%
303.	Iron	6/30/2022	004	1 mg/L	5.7 mg/L	Maximum	570%
304.	Iron	6/30/2022	004	1 mg/L	1.1 mg/L	Minimum	110%
305.	Iron	12/31/2022	001	1 mg/L	3.3 mg/L	Maximum	330%
306.	Iron	12/31/2022	001	1 mg/L	1.9 mg/L	Minimum	190%
307.	Iron	12/31/2022	003	1 mg/L	<2 mg/L	Maximum	<200%
308.	Iron	12/31/2022	004	1 mg/L	1.6 mg/L	Maximum	160%
309.	Iron	6/30/2023	001	1 mg/L	4.6 mg/L	Maximum	460%
310.	Iron	6/30/2023	001	1 mg/L	1.7 mg/L	Minimum	170%
311.	Iron	6/30/2023	004	1 mg/L	4.3 mg/L	Maximum	430%
312.	Iron	6/30/2023	004	1 mg/L	1.8 mg/L	Minimum	180%
313.	Iron	12/31/2023	001	1 mg/L	3.8 mg/L	Maximum	380%
314.	Iron	12/31/2023	001	1 mg/L	3.6 mg/L	Minimum	360%
315.	Iron	12/31/2023	003	1 mg/L	1.6 mg/L	Maximum	160%
316.	Iron	12/31/2023	003	1 mg/L	1.2 mg/L	Minimum	120%
317.	Iron	12/31/2023	004	1 mg/L	3.5 mg/L	Maximum	350%
318.	Iron	6/30/2024	001	1 mg/L	5.1 mg/L	Maximum	510%
319.	Iron	6/30/2024	001	1 mg/L	1.9 mg/L	Minimum	190%
320.	Iron	6/30/2024	003	1 mg/L	2.8 mg/L	Maximum	280%

321. On nine occasions since the second quarter of 2022, Sims has discharged concentrations of iron higher than the MSGP's benchmark value for iron of 1 mg/L from the 278 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
322.	Iron	6/30/2022	001	1 mg/L	12 mg/L	Maximum	1,200%
323.	Iron	6/30/2022	001	1 mg/L	6.3 mg/L	Minimum	630%
324.	Iron	12/31/2022	001	1 mg/L	5 mg/L	Maximum	500%
325.	Iron	6/30/2023	001	1 mg/L	4.7 mg/L	Maximum	470%
326.	Iron	6/30/2023	001	1 mg/L	2.6 mg/L	Minimum	260%
327.	Iron	12/31/2023	001	1 mg/L	29 mg/L	Maximum	2,900%
328.	Iron	12/31/2023	001	1 mg/L	4.1 mg/L	Minimum	410%
329.	Iron	6/30/2024	001	1 mg/L	3.5 mg/L	Maximum	350%
330.	Iron	6/30/2024	001	1 mg/L	3.5 mg/L	Minimum	350%

331. On 27 occasions since the second quarter of 2020, Sims has discharged concentrations of iron higher than the MSGP's benchmark value for iron of 1 mg/L from the Johnston Facility, as

detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
332.	Iron	6/30/2020	001	1 mg/L	2.8 mg/L	Maximum	280%
333.	Iron	6/30/2020	001	1 mg/L	3.6 mg/L	Minimum	360%
334.	Iron	6/30/2020	002	1 mg/L	3.6 mg/L	Minimum	360%
335.	Iron	12/31/2020	001	1 mg/L	9.2 mg/L	Maximum	920%
336.	Iron	12/31/2020	001	1 mg/L	1.2 mg/L	Minimum	120%
337.	Iron	12/31/2020	002	1 mg/L	1.8 mg/L	Maximum	180%
338.	Iron	6/30/2021	001	1 mg/L	3.7 mg/L	Maximum	370%
339.	Iron	6/30/2021	001	1 mg/L	4.2 mg/L	Minimum	420%
340.	Iron	6/30/2021	002	1 mg/L	4 mg/L	Maximum	400%
341.	Iron	6/30/2021	002	1 mg/L	3.5 mg/L	Minimum	350%
342.	Iron	12/31/2021	001	1 mg/L	1.1 mg/L	Maximum	110%
343.	Iron	12/31/2021	001	1 mg/L	2.8 mg/L	Minimum	280%
344.	Iron	12/31/2021	002	1 mg/L	3 mg/L	Minimum	300%
345.	Iron	12/31/2021	002	1 mg/L	1.1 mg/L	Maximum	110%
346.	Iron	6/30/2022	001	1 mg/L	3.5 mg/L	Minimum	350%
347.	Iron	6/30/2022	001	1 mg/L	6.3 mg/L	Maximum	630%
348.	Iron	6/30/2022	002	1 mg/L	2.3 mg/L	Minimum	230%
349.	Iron	12/31/2022	001	1 mg/L	1.9 mg/L	Minimum	190%
350.	Iron	12/31/2022	002	1 mg/L	1.1 mg/L	Minimum	110%
351.	Iron	6/30/2023	001	1 mg/L	6.5 mg/L	Maximum	650%
352.	Iron	6/30/2023	002	1 mg/L	2.6 mg/L	Maximum	260%
353.	Iron	6/30/2023	002	1 mg/L	1.3 mg/L	Minimum	130%
354.	Iron	12/31/2023	002	1 mg/L	1.6 mg/L	Maximum	160%
355.	Iron	12/31/2023	002	1 mg/L	1.4 mg/L	Minimum	140%
356.	Iron	6/30/2024	001	1 mg/L	1.2 mg/L	Minimum	120%
357.	Iron	6/30/2024	001	1 mg/L	1.5 mg/L	Maximum	150%
358.	Iron	6/30/2024	002	1 mg/L	7.5 mg/L	Maximum	750%

359. On 12 occasions since the fourth quarter of 2019, Sims' average of four quarterly iron sampling results from the 242 Allens Facility have exceeded the MSGP's benchmark value for iron of 1 mg/L, as detailed in the below table.

360. On 12 occasions since the fourth quarter of 2019, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average iron sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
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361.	Iron	12/31/2020	001	1 mg/L	10.3519 mg/L
362.	Iron	12/31/2020	003	1 mg/L	5.425 mg/L
363.	Iron	12/31/2020	004	1 mg/L	9.575 mg/L
364.	Iron	12/31/2021	001	1 mg/L	12.425 mg/L
365.	Iron	12/31/2021	003	1 mg/L	2.3 mg/L
366.	Iron	12/31/2021	004	1 mg/L	5.205 mg/L
367.	Iron	12/31/2022	001	1 mg/L	16.475 mg/L
368.	Iron	12/31/2022	003	1 mg/L	4.2725 mg/L
369.	Iron	12/31/2022	004	1 mg/L	2.1725 mg/L
370.	Iron	12/31/2023	001	1 mg/L	3.425 mg/L
371.	Iron	12/31/2023	003	1 mg/L	1.13 mg/L
372.	Iron	12/31/2023	004	1 mg/L	2.5525 mg/L

373. On two occasions since the fourth quarter of 2019, Sims' average of four quarterly iron sampling results from the 278 Allens Facility have exceeded the MSGP's benchmark value for iron of 1 mg/L, as detailed in the below table.

374. On two occasions since the fourth quarter of 2019, Sims has triggered the MSGPs' corrective action requirements at the 278 Allens Facility through four-quarter average iron sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
375.	Iron	12/31/2022	001	1 mg/L	6.01 mg/L
376.	Iron	12/31/2023	001	1 mg/L	10.1 mg/L

377. On eight occasions since the fourth quarter of 2020, Sims' average of four quarterly iron sampling results from the Johnston Facility have exceeded the MSGP's benchmark value for iron of 1 mg/L, as detailed in the below table.

378. On eight occasions since the fourth quarter of 2020, Sims has triggered the MSGPs' corrective action requirements at the Johnston Facility through four-quarter average iron sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
379.	Iron	12/31/2020	001	1 mg/L	4.2 mg/L

380.	Iron	12/31/2020	002	1 mg/L	1.66 mg/L
381.	Iron	12/31/2021	001	1 mg/L	2.95 mg/L
382.	Iron	12/31/2021	002	1 mg/L	2.9 mg/L
383.	Iron	12/31/2022	001	1 mg/L	3.0775 mg/L
384.	Iron	12/31/2022	002	1 mg/L	1.0675 mg/L
385.	Iron	12/31/2023	001	1 mg/L	2.07 mg/L
386.	Iron	12/31/2023	002	1 mg/L	1.725 mg/L

Pollutant: Zinc

387. Sims has discharged zinc from the 242 Allens and Johnston Facilities every quarter for which monitoring was conducted since the fourth quarter of 2019.

388. Sims has discharged zinc from the 278 Allens Facility every quarter for which monitoring was conducted since the second quarter of 2022.

389. On 47 occasions since the fourth quarter of 2020, Sims has discharged concentrations of iron higher than the MSGPs' saltwater benchmark value for zinc of 0.09 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
390.	Zinc	6/30/2020	001	0.09 mg/L	6.6 mg/L	Minimum	7,333%
391.	Zinc	6/30/2020	001	0.09 mg/L	2.7 mg/L	Maximum	3,000%
392.	Zinc	6/30/2020	003	0.09 mg/L	6 mg/L	Minimum	6,667%
393.	Zinc	6/30/2020	003	0.09 mg/L	2 mg/L	Maximum	2,222%
394.	Zinc	6/30/2020	004	0.09 mg/L	1.3 mg/L	Maximum	1,444%
395.	Zinc	6/30/2020	004	0.09 mg/L	0.16 mg/L	Minimum	178%
396.	Zinc	12/31/2020	001	0.09 mg/L	2 mg/L	Maximum	2,222%
397.	Zinc	12/31/2020	001	0.09 mg/L	0.899 mg/L	Minimum	999%
398.	Zinc	12/31/2020	003	0.09 mg/L	1.9 mg/L	Maximum	2,111%
399.	Zinc	12/31/2020	003	0.09 mg/L	1.17 mg/L	Minimum	1,300%
400.	Zinc	12/31/2020	004	0.09 mg/L	4.15 mg/L	Maximum	4,611%
401.	Zinc	12/31/2020	004	0.09 mg/L	0.41 mg/L	Maximum	456%
402.	Zinc	6/30/2021	001	0.09 mg/L	0.85 mg/L	Maximum	944%
403.	Zinc	6/30/2021	001	0.09 mg/L	0.24 mg/L	Minimum	267%
404.	Zinc	6/30/2021	003	0.09 mg/L	0.97 mg/L	Minimum	1,078%
405.	Zinc	6/30/2021	003	0.09 mg/L	0.56 mg/L	Maximum	622%
406.	Zinc	6/30/2021	004	0.09 mg/L	0.6 mg/L	Minimum	667%
407.	Zinc	6/30/2021	004	0.09 mg/L	0.42 mg/L	Maximum	467%
408.	Zinc	12/31/2021	001	0.09 mg/L	0.93 mg/L	Maximum	1,033%
409.	Zinc	12/31/2021	001	0.09 mg/L	0.78 mg/L	Minimum	867%
410.	Zinc	12/31/2021	003	0.09 mg/L	0.901 mg/L	Maximum	1,001%

411.	Zinc	12/31/2021	003	0.09 mg/L	0.25 mg/L	Minimum	278%
412.	Zinc	12/31/2021	004	0.09 mg/L	3.86 mg/L	Maximum	4,289%
413.	Zinc	12/31/2021	004	0.09 mg/L	0.21 mg/L	Minimum	233%
414.	Zinc	6/30/2022	001	0.09 mg/L	1.5 mg/L	Maximum	1,667%
415.	Zinc	6/30/2022	001	0.09 mg/L	0.55 mg/L	Minimum	611%
416.	Zinc	6/30/2022	003	0.09 mg/L	3.1 mg/L	Maximum	3,444%
417.	Zinc	6/30/2022	003	0.09 mg/L	0.38 mg/L	Minimum	422%
418.	Zinc	6/30/2022	004	0.09 mg/L	0.38 mg/L	Maximum	422%
419.	Zinc	6/30/2022	004	0.09 mg/L	0.12 mg/L	Minimum	133%
420.	Zinc	12/31/2022	001	0.09 mg/L	0.95 mg/L	Minimum	1,056%
421.	Zinc	12/31/2022	001	0.09 mg/L	0.75 mg/L	Maximum	833%
422.	Zinc	12/31/2022	003	0.09 mg/L	1.2 mg/L	Maximum	1,333%
423.	Zinc	12/31/2022	004	0.09 mg/L	0.15 mg/L	Maximum	167%
424.	Zinc	12/31/2022	004	0.09 mg/L	0.096 mg/L	Maximum	107%
425.	Zinc	6/30/2023	001	0.09 mg/L	2.5 mg/L	Maximum	2,778%
426.	Zinc	6/30/2023	001	0.09 mg/L	0.33 mg/L	Minimum	367%
427.	Zinc	6/30/2023	003	0.09 mg/L	0.23 mg/L	Maximum	256%
428.	Zinc	6/30/2023	003	0.09 mg/L	0.21 mg/L	Minimum	233%
429.	Zinc	6/30/2023	004	0.09 mg/L	0.37 mg/L	Maximum	411%
430.	Zinc	12/31/2023	001	0.09 mg/L	0.69 mg/L	Maximum	767%
431.	Zinc	12/31/2023	001	0.09 mg/L	0.095 mg/L	Minimum	106%
432.	Zinc	12/31/2023	003	0.09 mg/L	0.095 mg/L	Maximum	106%
433.	Zinc	6/30/2024	001	0.09 mg/L	0.57 mg/L	Maximum	633%
434.	Zinc	6/30/2024	001	0.09 mg/L	0.34 mg/L	Minimum	378%
435.	Zinc	6/30/2024	003	0.09 mg/L	0.24 mg/L	Maximum	267%
436.	Zinc	6/30/2024	004	0.09 mg/L	0.11 mg/L	Maximum	122%

437. On nine occasions since the second quarter of 2022, Sims has discharged concentrations of iron higher than the MSGPs' saltwater benchmark value for zinc of 0.09 mg/L from the 278 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
438.	Zinc	6/30/2022	001	0.09 mg/L	0.73 mg/L	Minimum	811%
439.	Zinc	6/30/2022	001	0.09 mg/L	0.16 mg/L	Maximum	178%
440.	Zinc	12/31/2022	001	0.09 mg/L	0.42 mg/L	Maximum	467%
441.	Zinc	12/31/2022	001	0.09 mg/L	0.34 mg/L	Minimum	378%
442.	Zinc	6/30/2023	001	0.09 mg/L	0.13 mg/L	Maximum	144%
443.	Zinc	12/31/2023	001	0.09 mg/L	0.53 mg/L	Maximum	589%
444.	Zinc	12/31/2023	001	0.09 mg/L	0.15 mg/L	Minimum	167%
445.	Zinc	6/30/2024	001	0.09 mg/L	0.36 mg/L	Maximum	400%
446.	Zinc	6/30/2024	001	0.09 mg/L	0.28 mg/L	Minimum	311%

447. Once since the fourth quarter of 2020, Sims has discharged concentrations of zinc higher

than the MSGPs' freshwater benchmark value (for receiving waters with a hardness of 241 milligrams per liter) for zinc of 0.25 milligrams per liter from the Johnston Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
448.	Zinc	12/31/2020	001	0.25 mg/L	0.26 mg/L	Maximum	104%

449. On 12 occasions since the fourth quarter of 2020, Sims' average of four quarterly zinc sampling results from the 242 Allens Facility have exceeded the MSGPs' saltwater benchmark value for zinc of 0.09 mg/L, as detailed in the below table.

450. On 12 occasions since the fourth quarter of 2020, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average zinc sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
451.	Zinc	12/31/2020	001	0.09 mg/L	3.04975 mg/L
452.	Zinc	12/31/2020	003	0.09 mg/L	0.7975 mg/L
453.	Zinc	12/31/2020	004	0.09 mg/L	1.7375 mg/L
454.	Zinc	12/31/2021	001	0.09 mg/L	1.075 mg/L
455.	Zinc	12/31/2021	003	0.09 mg/L	2.5375 mg/L
456.	Zinc	12/31/2021	004	0.09 mg/L	0.66025 mg/L
457.	Zinc	12/31/2022	001	0.09 mg/L	1.4075 mg/L
458.	Zinc	12/31/2022	003	0.09 mg/L	0.1545 mg/L
459.	Zinc	12/31/2022	004	0.09 mg/L	0.4915 mg/L
460.	Zinc	12/31/2023	001	0.09 mg/L	1.24375 mg/L
461.	Zinc	12/31/2023	003	0.09 mg/L	0.17425 mg/L
462.	Zinc	12/31/2023	004	0.09 mg/L	0.131 mg/L

463. Twice since the fourth quarter of 2022, Sims' average of four quarterly zinc sampling results from the 278 Allens Facility have exceeded the MSGPs' saltwater benchmark value for zinc of 0.09 mg/L, as detailed in the below table.

464. Twice since the fourth quarter of 2020, Sims has triggered the MSGPs' corrective action requirements at the 278 Allens Facility through four-quarter average zinc sampling results that

exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
465.	Zinc	12/31/2022	001	0.09 mg/L	0.223 mg/L
466.	Zinc	12/31/2023	001	0.09 mg/L	0.4125 mg/L

Pollutant: Chemical Oxygen Demand ("COD")

467. Sims has discharged COD from the 242 Allens and the 278 Allens Facilities every quarter for which monitoring was conducted since the fourth quarter of 2019.

468. On eight occasions between the second quarter of 2020 and the second quarter of 2022, Sims has discharged concentrations of COD higher than the MSGPs' benchmark value for COD of 120 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
469.	COD	6/30/2020	001	120 mg/L	620 mg/L	Minimum	517%
470.	COD	6/30/2020	001	120 mg/L	160 mg/L	Maximum	133%
471.	COD	12/31/2020	001	120 mg/L	760 mg/L	Minimum	633%
472.	COD	6/30/2021	003	120 mg/L	740 mg/L	Minimum	617%
473.	COD	6/30/2021	001	120 mg/L	510 mg/L	Minimum	425%
474.	COD	12/31/2021	003	120 mg/L	780 mg/L	Maximum	650%
475.	COD	12/31/2021	004	120 mg/L	150 mg/L	Minimum	125%
476.	COD	6/30/2022	003	120 mg/L	320 mg/L	Maximum	267%

477. On seven occasions since the second quarter of 2022, Sims has discharged concentrations of COD higher than the MSGPs' benchmark value for COD of 120 mg/L from the 278 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
478.	COD	6/30/2022	001	120 mg/L	1,000 mg/L	Minimum	833%
479.	COD	6/30/2022	001	120 mg/L	200 mg/L	Maximum	167%
480.	COD	12/31/2022	001	120 mg/L	220 mg/L	Maximum	183%
481.	COD	6/30/2023	001	120 mg/L	230 mg/L	Maximum	192%
482.	COD	6/30/2023	001	120 mg/L	190 mg/L	Minimum	158%
483.	COD	12/31/2023	001	120 mg/L	270 mg/L	Maximum	225%
484.	COD	12/31/2023	001	120 mg/L	250 mg/L	Minimum	208%

485. On three occasions since the fourth quarter of 2020, Sims' average of four quarterly COD sampling results from the 242 Allens Facility have exceeded the MSGPs' benchmark value for COD of 120 mg/L, as detailed in the below table.

486. On three occasions since the fourth quarter of 2019, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average COD sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
487.	COD	12/31/2020	001	120 mg/L	412.5 mg/L
488.	COD	12/31/2021	001	120 mg/L	189.5 mg/L
489.	COD	12/31/2021	003	120 mg/L	399.75 mg/L

490. Twice since the fourth quarter of 2022, Sims' average of four quarterly COD sampling results from the 278 Allens Facility have exceeded the MSGPs' benchmark value for COD of 120 mg/L, as detailed in the below table.

491. Twice since the fourth quarter of 2022, Sims has triggered the MSGPs' corrective action requirements at the 278 Allens Facility through four-quarter average COD sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
492.	COD	12/31/2022	001	120 mg/L	364 mg/L
493.	COD	12/31/2023	001	120 mg/L	235 mg/L

Pollutant: Total Suspended Solids ("TSS")

494. Sims has discharged TSS from the 242 Allens and Johnston Facilities every quarter for which monitoring was conducted since the second quarter of 2020.

495. On five occasions between the second quarter of 2020 and the second quarter of 2022, Sims has discharged concentrations of TSS higher than the MSGP's benchmark value for TSS

of 100 mg/L from the 242 Allens Facility, as detailed in the below table.

Par. No.	Pollutant Criteria	Monitoring Period End Date	Outfall	Benchmark Value	Measured Value	Type of Allowance	Limit Exceedance Percent
496.	TSS	6/30/2020	003	100 mg/L	300 mg/L	Minimum	300%
497.	TSS	6/30/2020	001	100 mg/L	140 mg/L	Maximum	140%
498.	TSS	12/31/2020	001	100 mg/L	180 mg/L	Maximum	180%
499.	TSS	12/31/2021	003	100 mg/L	140 mg/L	Maximum	140%
500.	TSS	6/30/2022	001	100 mg/L	880 mg/L	Maximum	880%

501. On three occasions since the fourth quarter of 2020, Sims' average of four quarterly TSS sampling results from the 242 Allens Facility have exceeded the MSGPs' benchmark value for TSS of 100 mg/L, as detailed in the below table.

502. On three occasions since the fourth quarter of 2020, Sims has triggered the MSGPs' corrective action requirements at the 242 Allens Facility through four-quarter average TSS sampling results that exceeded the MSGPs' benchmark.

Par. No.	Pollutant Criteria	Date Corrective Action Triggered	Outfall	Benchmark Value	Annual Average
503.	TSS	12/31/2020	001	100 mg/L	102.5 mg/L
504.	TSS	12/31/2020	003	100 mg/L	112.5 mg/L
505.	TSS	12/31/2022	001	100 mg/L	236.5 mg/L

Monitoring and Reporting Violations

506. Sims has failed to conduct required four annual benchmark and annual impaired waters monitoring at the 242 Allens Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	Pollutant	Monitoring Period End Date	Outfall	Type of Monitoring and Reporting Requirement
507.	Fecal coliform-Max	6/30/2020	001	Impaired waters
508.	COD-Max	6/30/2020	003	Benchmark
509.	Fecal coliform-Max	6/30/2020	004	Impaired waters
510.	COD-Min	6/30/2020	003	Benchmark
511.	Copper-Max	6/30/2020	003	Benchmark

512.	COD-Min	6/30/2020	004	Benchmark
513.	COD-Max	6/30/2020	004	Benchmark
514.	Copper-Min	6/30/2020	004	Benchmark
515.	Copper-Max	6/30/2020	004	Benchmark
516.	Copper-Min	6/30/2020	003	Benchmark
517.	Fecal coliform-Max	6/30/2020	003	Impaired waters
518.	COD-Max	12/31/2020	003	Benchmark
519.	COD-Min	12/31/2020	003	Benchmark
520.	Copper-Max	12/31/2020	003	Benchmark
521.	Copper-Min	12/31/2020	003	Benchmark
522.	COD-Min	12/31/2020	004	Benchmark
523.	COD-Max	12/31/2020	004	Benchmark
524.	Copper-Min	12/31/2020	004	Benchmark
525.	Copper-Max	12/31/2020	004	Benchmark

526. Sims has failed to conduct required four annual benchmark and annual impaired waters monitoring at the 278 Allens Facility for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	Pollutant	Monitoring Period End Date	Outfall	Type of Monitoring and Reporting Requirement
527.	Aluminum-Min	6/30/2023	001	Benchmark
528.	Aluminum-Max	6/30/2023	001	Benchmark
529.	Lead-Min	6/30/2023	001	Benchmark
530.	Lead-Max	6/30/2023	001	Benchmark
531.	Oil & grease-Max	6/30/2023	001	Benchmark
532.	Oil & grease-Min	6/30/2023	001	Benchmark
533.	TSS-Min	6/30/2023	001	Benchmark
534.	TSS-Max	6/30/2023	001	Benchmark
535.	Aluminum-Min	12/31/2023	001	Benchmark
536.	Aluminum-Max	12/31/2023	001	Benchmark
537.	Lead-Min	12/31/2023	001	Benchmark
538.	Lead-Max	12/31/2023	001	Benchmark
539.	Oil & grease-Min	12/31/2023	001	Benchmark
540.	Oil & grease-Max	12/31/2023	001	Benchmark
541.	TSS-Min	12/31/2023	001	Benchmark
542.	TSS-Max	12/31/2023	001	Benchmark
543.	Aluminum-Min	6/30/2024	001	Benchmark
544.	Aluminum-Max	6/30/2024	001	Benchmark
545.	Chemical Oxygen Demand-Min	6/30/2024	001	Benchmark

546.	Chemical Oxygen Demand-Max	6/30/2024	001	Benchmark
547.	Lead-Min	6/30/2024	001	Benchmark
548.	Lead-Max	6/30/2024	001	Benchmark
549.	Oil & grease-Min	6/30/2024	001	Benchmark
550.	Oil & grease-Max	6/30/2024	001	Benchmark
551.	TSS-Min	6/30/2024	001	Benchmark
552.	TSS-Max	6/30/2024	001	Benchmark

553. Sims has failed to conduct required impaired waters monitoring at the Johnston facility

for the following pollutant criteria, on the following dates, and from the following outfalls:

Par. No.	Pollutant	Monitoring Period End Date	Outfall	Type of Monitoring and Reporting Requirement
554.	TSS-Max	6/30/2021	001	Impaired Waters
555.	TSS-Min	6/30/2021	001	Impaired Waters
556.	TSS-Max	6/30/2021	002	Impaired Waters
557.	TSS-Min	6/30/2021	002	Impaired Waters
558.	TSS-Max	12/31/2021	001	Impaired Waters
559.	TSS-Min	12/31/2021	001	Impaired Waters
560.	TSS-Max	12/31/2021	002	Impaired Waters
561.	TSS-Min	12/31/2021	002	Impaired Waters
562.	TSS-Max	6/30/2022	001	Impaired Waters
563.	TSS-Min	6/30/2022	001	Impaired Waters
564.	TSS-Max	6/30/2022	002	Impaired Waters
565.	TSS-Min	6/30/2022	002	Impaired Waters
566.	TSS-Max	12/31/2022	001	Impaired Waters
567.	TSS-Min	12/31/2022	001	Impaired Waters
568.	TSS-Max	12/31/2022	002	Impaired Waters
569.	TSS-Min	12/31/2022	002	Impaired Waters
570.	TSS-Max	6/30/2023	001	Impaired Waters
571.	TSS-Min	6/30/2023	001	Impaired Waters
572.	TSS-Max	6/30/2023	002	Impaired Waters
573.	TSS-Min	6/30/2023	002	Impaired Waters
574.	TSS-Max	12/31/2023	001	Impaired Waters
575.	TSS-Min	12/31/2023	001	Impaired Waters
576.	TSS-Max	12/31/2023	002	Impaired Waters
577.	TSS-Min	12/31/2023	002	Impaired Waters
578.	TSS-Max	6/30/2024	001	Impaired Waters
579.	TSS-Min	6/30/2024	001	Impaired Waters
580.	TSS-Max	6/30/2024	002	Impaired Waters
581.	TSS-Min	6/30/2024	001	Impaired Waters

582.	Phosphorus-Min	6/30/2024	001	Impaired Waters
583.	Phosphorus-Max	6/30/2024	001	Impaired Waters
584.	Phosphorus-Min	6/30/2024	002	Impaired Waters
585.	Phosphorus-Max	6/30/2024	002	Impaired Waters

THE FACILITIES' HARMS TO CLF'S MEMBERS

586. Sims' discharges of pollutants from the Facilities into the Providence River and the Simmons Reservoir have degraded the health of the rivers and contributed to their impairments in a way that diminishes the use and enjoyment of the Providence River and Simmons Reservoir by CLF's members.

587. Aluminum is toxic to fish and many aquatic animals. Aluminum bioaccumulates in certain types of plants and in some fish and invertebrate species. Skin exposure to aluminum may cause rashes. When ingested, aluminum may cause health problems in humans such as bone disease, brain disease, and Alzheimer's disease.

588. Copper is toxic to aquatic animals and it bioconcentrates in mollusks. The ingestion of copper can be dangerous for humans. Consuming too much copper may cause liver and kidney damage, increased risk of heart disease, nausea, vomiting, abdominal pain and diarrhea, and even death.

589. Iron solids in the water smother invertebrates, microbes, and eggs; impair the respiration of aquatic animals; and decrease reproduction rates. Iron harms humans both as a substance that is toxic in high amounts and as a nuisance. Iron in drinking water impairs taste, clogs pipes, and causes stains.

590. Zinc is toxic to humans and aquatic organisms in high amounts, and it reacts with chemicals like cadmium to intensify their toxicity. Zinc bioaccumulates in aquatic animals. When ingested, zinc may cause health problems in humans, including brain damage, infertility and developmental issues, pancreatic damage, anemia, nausea, vomiting, and stomach cramps.

591. Chemical oxygen demand (COD) is an indicator for the presence of organic pollution. Organic pollution contributes to low dissolved oxygen levels and eutrophication, which can result in harmful algal and cyanobacteria blooms, a proliferation of nuisance and invasive species, discolored water, harmful benthic deposits, and scum.

592. Elevated levels of total suspended solids (TSS) increase water turbidity and reduce the light available to desirable aquatic plants. TSS that settle out as bottom deposits can alter or destroy habitat for fish and other bottom-dwelling organisms.

593. CLF's members are concerned about the potential health effects of being exposed to heavy metals and other pollutants in the Providence River and Simmons Reservoir while walking and driving around the water and while boating.

594. CLF's members are concerned about the negative impact of heavy metals and other pollutants on their ability to enjoy observing wildlife on the Providence River and Simmons Reservoir.

595. Defendants' discharges of heavy metals and other pollutants negatively impact the fishing and boating activities of CLF's members on the Providence River and the Simmons Reservoir.

596. CLF's members must avoid swimming in the segments of the Providence River and Simmons Reservoir downstream from the Facilities due to their concerns about coming into direct contact with industrial pollutants, like heavy metals, in the water.

597. The presence of odor, unnatural color, scum, foam, diminished water clarity, and trash adversely affect the aesthetic enjoyment of the Providence River and Simmons Reservoir by CLF's members.

CLAIMS FOR RELIEF

598. Plaintiff incorporates all allegations in the above paragraphs into each count below as though fully set forth herein.

599. In light of Defendants' history of violations, and absent court-ordered relief, Defendants will continue to violate the following provisions of the MSGPs and the Clean Water Act in the future unless and until enjoined from doing so.

600. Defendants' violations of federal and state law have harmed, are harming, and will continue to harm Plaintiff.

601. Upon information and belief, additional information from Defendants and other sources not yet publicly available will reveal additional violations and information about the violations described in this complaint.

602. Each day that Defendants have violated or continue to violate following provisions is a separate and distinct violation of the MSGPs and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Count I: Failure to Take Corrective Actions Following Triggering Events

603. The average of four semi-annual samplings results exceeded the applicable benchmark values at least 44 times at the 242 Allens Facility, at least 8 times at the 278 Allens Facility, and at least 10 times at the Johnston Facility.

604. Defendants were required to take corrective actions at least 44 times at the 242 Allens Facility, at least 8 times at the 278 Allens Facility, and at least 10 times at the Johnston Facility.

605. Following the triggering events, including those listed in Paragraphs 603-605 above, Sims did not complete the relevant Corrective Action Level steps described in Paragraphs 102-108.

606. Defendants did not review and revise the SWMPs for the Facilities as required following failure to install, operate, or maintain control measures; following visual evidence of stormwater pollution; and/or after finding that control measures were not minimizing pollutant discharges to meet water quality standards and other non-numeric effluent limits.

Count II: Failure to Use Control Measures to Minimize Pollutant Discharges

607. Defendants have failed and continue to fail to select, design, install, and implement control measures to minimize pollutant discharges.

608. Upon information and belief, Defendants have failed to comply with the pollutant control measures required in Section II of the MSGPs, including but not limited to provisions related to minimizing exposure, good housekeeping measures, maintenance of control measures, leaks and spills, control of sediment discharge, and dust generation.

609. Defendants have discharged pollutants in excess of the benchmark values in the MSGPs at least 163 times from the 242 Allens Facility, at least 37 times from the 278 Allens Facility, and at least 53 times from the Johnston Facility.

610. Defendants' repeated and continuous discharges of pollutants in excess of the benchmark values in the MSGPs at the Facilities demonstrate their failure to comply with the MSGPs' pollutant control measures and their failure to use control measures to minimize pollutant discharges.

Count III: Unlawful Discharges Causing Violation of Water Quality Standards

611. Upon information and belief, Sims has discharged, and continues to discharge, pollutants (including but not limited to discharges of including but not limited to aluminum, copper, iron, lead, zinc, PCBs, COD, TSS, and other odiferous and discolored pollutants) that have contributed to, and will continue to contribute to, the degradation of the Providence River and

Simmons Reservoir, including the violation of state water quality standards.

612. 299. Upon information and belief, Sims' discharge of pollutants from the Providence Facilities has contributed to the impairments of the Providence River at waterbody segment RI0007020E-01B for fish and wildlife habitat, primary contact recreation, and secondary contact recreation due to nitrogen, dissolved oxygen, phosphorous, and fecal coliform.

613. 299. Upon information and belief, Sims' discharge of pollutants from the Johnston Facility has contributed to the impairments of the Simmons Reservoir at waterbody segment RI0006018L-03 for fish and wildlife habitat, fish for consumption, and primary and secondary contact recreation due to phosphorus and turbidity.

614. Defendants have caused or contributed to violations of those Rhode Island state water quality standards contained in 250-RICR-150-05-1.10 as described in Paragraphs 61-69 above.

615. Every state surface water quality standard violation constitutes a separate and distinct violation of the MSGPs and the Clean Water Act.

Count IV: Failure to Comply with Monitoring and Reporting Requirements

616. Sims has failed to conduct required benchmark monitoring at the 242 Allens Facility at least 20 times.

617. Sims has failed to conduct required impaired waters monitoring at the 242 Allens Facility at least 3 times.

618. Sims has failed to conduct required impaired waters monitoring at the Johnston Facility at least 24 times.

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

- a. Declare, pursuant to 28 U.S.C. § 2201, Defendants to have violated and remain in

violation of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, III, and IV of this Complaint;

b. Determine the number of days of violation committed by Defendants under each Count;

c. Order appropriate injunctive relief that will bring Defendants into compliance with the requirements of the MSGPs, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), applicable Clean Water Act regulations, and Connecticut water quality standards;

d. Order Defendants to implement measures to remedy, mitigate, or offset the harm to the environment caused by the violations alleged above;

e. Assess an appropriate civil penalty against Defendants for each day of violation of the Clean Water Act and the MSGPs, as provided under Sections 505(a) and 309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 33 C.F.R. § 326.5;

f. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and

g. Grant such other relief as this Court may deem appropriate.

Dated: December 10, 2024

/s/ Chelsea Kendall
Chelsea E. Kendall, Esq.
Heather A. Govern, Esq.
pro hac vice motions to be filed
62 Summer St.
Boston, MA 02110
(617) 850-1792
ckendall@clf.org

/s/ James Crowley

James Crowley, Esq. (9405)
Phoebe DeMeerleer, Esq. (10791)
Conservation Law Foundation, Inc.
235 Promenade St.
Ste. 560 Mailbox. 28
Providence, RI 02908
(617) 850-1709
jcrowley@clf.org

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, the foregoing document was filed through the ECF system, by which means a copy of the filing will be sent electronically to all parties registered with the ECF system.

/s/ James Crowley
James Crowley